

**RESOLUTION AUTHORIZING THE TOWNSHIP TO REMOVE A NON-VIABLE
TREE FROM 14 WADDINGTON AVENUE, WEST ORANGE, NEW JERSEY**

WHEREAS, the Township Forester has determined that one tree located in the rear of 14 Waddington Ave., West Orange, Jersey, 07052 (the “Property”) abutting properties located at 16 Waddington Avenue, West Orange, New Jersey and 242 St. Cloud Avenue, West Orange, New Jersey (the “Adjacent Properties”) is non-viable (i.e., dead or dying) and potentially hazardous to the Adjacent Property; and

WHEREAS, on May 19, 2023, the Township Forester sent a Notice of Violation to the owner of the Property, Timothy Overill (the “Property Owner”);

WHEREAS, on March 20, 2024, the Township Forester issued Summons No. SC-2024-041018 to the Property Owner; and

WHEREAS, the Court issued a bench warrant for the Property Owner’s failure to appear on July 25, 2024, and

WHEREAS, the Township Forester has determined that the non-viable tree on the Property is at risk of falling onto the Adjacent Properties, causing damage to the Adjacent Properties and potential injury to persons on the Adjacent Property; and

WHEREAS, pursuant to the Township of West Orange Municipal Code (the “Township Code”) § 14-11.1, the Planning Director may assign the Township Forester to enforce Chapter 14 and Chapter 25 of the Township Code; and

WHEREAS, pursuant to Township Code § 14-11-15, the Township Forester issued a notice to remove the non-viable tree and the Property Owner has not responded or otherwise removed the non-viable tree; and

WHEREAS, the Township received an estimate for the removal of the non-viable tree on the Property attached herein as Exhibit “A;”

WHEREAS, Beucler Tree Experts LLC (“Beucler”) is a registered tree removal company with the Township of West Orange and is contracted by the Township to perform work on street trees; and

WHEREAS, Beucler estimated it will cost \$6,500 to remove the non-viable tree from the Property; and

WHEREAS, the removal of the non-viable tree from the Property is necessary in order to protect the Adjacent Properties and potential personal injuries

WHEREAS, pursuant to Township Code § 14-11.15, since the Property Owner has failed to respond or remove the non-viable tree, the Township may remove the non-viable tree, the Township shall receive from the Property owner “reimbursement of all expenses and costs, including all reasonable legal fees and expenses as shall be approved by the Township Council;” and;

NOW BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Township is authorized to engage with Beucler to remove the non-viable tree on the Property and to take such other further necessary steps to recover all costs incurred including filing a lien on the Property to recover any and all costs and expenses incurred.

Karen J. Carnevale, Municipal Clerk

Bill Rutherford, Council President

Adopted: August 6, 2024

I hereby certify funds are available from Account No.: _____

Vincent Buono, Interim Chief Financial Officer